

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

KELLY PAUL BROWN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:22-cv-00095-TBM-RPM

BARRY WHITE, et al.

DEFENDANTS

ORDER SETTING OMNIBUS HEARING

Pro se Plaintiff KELLY PAUL BROWN is an inmate who alleges that his civil rights were violated. An omnibus hearing will be held that shall operate as a *Spears*¹ hearing and a case-management hearing. The Prison Litigation Reform Act (“PLRA”), Pub. L. No. 104-134, 110 Stat. 1321, H.R. 3019 (codified as amended in scattered titles and sections of the United States Code), applies and provides that “the Court shall dismiss the case at any time if the court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). At the omnibus hearing, the Court will require Plaintiff to elaborate on his claims so that it may be determined whether this case or any portion of it should proceed.

IT IS, THEREFORE, ORDERED:

1. That the parties will appear for an omnibus hearing before the undersigned Magistrate Judge at THE UNITED STATES COURTHOUSE, 501 East Court Street, Courtroom 6B, JACKSON, MISSISSIPPI, on **Friday, February 24, 2023** at **10:30 AM**.

2. At the omnibus hearing, Plaintiff shall be prepared to make a full statement of each claim he is pursuing and explain why he is suing each Defendant.

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

3. The parties shall be prepared to discuss all motions that are pending at the time of the omnibus hearing.

4. The parties shall bring to the omnibus hearing documents (or copies) and information in their custody, possession, or control that is relevant to the disposition of this case. If discovery is withheld for reasons of privilege or institutional discipline or security, a privilege log must be served setting forth the reason for withholding the discovery, and the discovery must be made available to the Court upon request. If security interests can be addressed by redacting a portion of the discovery, the redacted portion shall be produced to Plaintiff.

5. If the parties fail to abide by this Order, they may be sanctioned.

6. The Clerk of Court is directed to issue a writ of habeas corpus *ad testificandum* for Plaintiff to be present at this proceeding.

7. Plaintiff is advised that it is his duty to prosecute this case. A failure to prosecute, obey orders of the Court, or keep the Court informed of a current address may result in the dismissal of this lawsuit.

SO ORDERED, this 24th day of January, 2023.

/s/ Robert P. Myers, Jr.

ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE